

Date signed August 04, 2006



A handwritten signature in cursive script that reads "Paul Mannes".

PAUL MANNES
U. S. BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

In Re:	Case No. 05-34009PM
Randall K. Townsend and Linda Townsend, Debtors.	Chapter 13
Randall K. Townsend and Linda Townsend, Movants, v. Triad Financial Corporation, Respondent.	

MEMORANDUM OF DECISION

This case is before the court on the motion filed by the debtors to value a 2001 Chevrolet Tahoe that secures an obligation owed to Triad Financial Corporation. The matter came on for hearing on August 3, 2006. Debtor Linda Townsend testified as to the litany of problems she has had with the motor vehicle since the time of its purchase in September 2004. Shortly after the time of purchase, when she viewed the vehicle in daylight, she sought to rescind the contract without success. In the meanwhile, there have been several recalls of the vehicle because the original owner appears to have lived in what was termed a "high corrosion" area. The parties submitted appraisals. The creditor's appraiser stated the value to be \$15,687.50. The debtors submitted two appraisal statements, both of which appeared to be based on a trade-in value. These two appraisals were in the sum of \$8,000.00. Because of the great divergence in the appraisers' valuations, the court inspected the vehicle and noted the various defects described by the debtors. There is substantial rust, some body damage, some missing parts and the tires appear to be worn. The interior of the

vehicle appears in good shape and to be well cared for considering the damage and defects described.

After consideration of all of the relevant facts, the court finds the replacement value of this vehicle in its sub-standard condition to be \$10,750.00 and the appropriate interest rate is found to be 9.5%.

An appropriate order will be entered.

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End of Memorandum Decision